

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 6, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, February 6, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. William C. Parker, Public Information Officer, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

Chairman Burgett welcomed Mr. Ashe to his first Regular Meeting of the Board of Supervisors.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed Ms. Evelyn W. Parker as a new member of the York County Beautification Committee and presented her with a Boards and Commissions Handbook and a York County Pin.

EMPLOYEE RECOGNITION PROGRAM

After introductory remarks by Anne Smith, Director of Community Services, Chairman Burgett presented Ms. Janice Ward, York County Library, with her 20-year service pin and certificate.

CLEAN BUSINESS AWARDS

After introductory remarks by Richard Wallsom, Chairman of the York County Beautification Committee, Chairman Burgett presented Clean Business Awards for the 1st Quarter of 2001 to representatives of the following businesses:

Southern States Cooperative, Inc.
Little Log Cabin Learning Center
Colonial Services Board

CITIZENS COMMENT PERIOD

Mr. Gary L. Giles, 111 Cheadle Point Road, spoke in opposition to the proposal for the placement of no wake buoys on Chisman Creek, stating it will adversely impact all the property owners on Chisman and Goose Creeks. He stated there is a lot of recreational use of the creeks, and the buoys would eliminate this use. He suggested that the owner of Aqua Marine provide some sort of baffling system for his property rather than impacting everyone else.

Mr. Nick Ferro, 303 Mill Road, spoke on behalf of the York County Victory Chapter 13 of the Disabled American Veterans. He indicated the DAV in York County is very active, and they wish to become more visible. The Chapter has moved into office space at Tabb Square which is open three days a week to help veterans with any of their needs. Mr. Ferro invited the Board members to visit the new DAV facility.

Mr. Ken D. Earley, 414 Whispering Pine Drive, spoke in opposition to the proposed no wake buoys for Chisman Creek. He stated the owner of Aqua Marine feels there is a problem with the wake, but he should provide his own seawall to protect his boat slips. Chisman Creek is too large and navigable and used for boating purposes to restrict its use. Mr. Earley stated the placement of buoys would be unjust and unfair to the people who boat in the creek.

Mr. Kevin Earley, Seaford, also spoke in opposition to the no wake buoys on Chisman Creek. He stated the creek is very wide, and normal wind causes high waves. He expressed his agreement with Ken Earley that the owner of the marina should do something to protect the marina other than the placement of no wake buoys. He indicated there would be greater wake on the creek because of the buoys because some people would go slower than necessary. Mr. Earley also noted there was already a no wake sign in the existing channel next to the marina, yet it was not enforced.

Mr. Jim Camp, 404 Crockett Road, stated he was also against the placement of no wake buoys on Chisman Creek. He stated the proposal was to place the buoys at the widest point of the creek, and the residents would be devastated if they were kept from using their boats and jet skis. He stated he felt the property owner has the responsibility to protect his own land, although not at the sacrifice of everyone else. Mr. Camp noted there was a no wake zone 250 feet from the marina, but it had not been enforced.

Ms. Lori Teeson, 203 Yorkview Road, stated she had grown up on Goose Creek, and she was opposed to the proposed no wake buoys on Chisman Creek. She stated there needed to be some compromise because homeowners in the area want to be able to utilize their recreational vehicles on the creek.

Mr. James W. Pollard, 231 Robanna Road, stated he was located upstream of Dare Marina which is a no wake zone, and this proposed action for the placement of buoys would make all of Chisman Creek a no wake zone. He suggested the Board table the matter to see if a compromise could be reached.

Mr. John G. Lochstampfer, Jr., 236 Robanna Drive, expressed his opposition to the proposed no wake buoys. He stated Wildey Marina was operated for many years, and it didn't have any problem without no wake buoys. The new owners purchased the property knowing the conditions existed. He stated the current wake on Chisman Creek is no worse than it is with some of the storms.

February 6, 2001

Mr. Brian Noyes, representing the Colonial Soil and Water Conservation District, provided the Board with some background information on the activities of the District, noting there is quite a demand for its services. He stated the District returns \$9.14 in state funding for every \$1.00 it receives. An education coordinator was hired this year to provide educational opportunities, and the position is funded entirely by grant monies. Mr. Noyes stated the District was asking for a 10 percent increase in funding support from York County this year totaling \$8,085.

Mr. Jim Vaughn, 512 Wildey Road, Vice President of Aqua Marine, indicated it was not his intent to make the neighbors mad by requesting the no wake markers in Chisman Creek. He stated Wildey Marina was on the creek before 250 homes were built. Mr. Vaughn spoke of his efforts to clean up the marina so that he could put in floating docks, and he stated it was not feasible for him to install a breakwater. He indicated the wake keeps boat owners from enjoying their boats while in the marina, and he asked the residents to keep in mind that the area is already a no wake zone. He stated he was only trying to protect his investment.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett updated the Board members on the current status of various pieces of legislation before this year's session of the General Assembly dealing with shared income taxes, increased recycling rates, BPOL tax, IDA bond issuances, overtime payments for firefighters, firearm regulation, sewer tank pump out, and annexation.

Mr. Zaremba asked Mr. Barnett to clarify the two existing statutes concerning annexation as they pertain to York County.

Mr. Barnett stated a 1981 statute protects York County from any annexation by cities; the 1987 statute is a state-wide moratorium on annexation. He explained that there is confusion as to whether or not cities can take advantage of exceptions in the existing statutes, and the amended language being proposed only affects the annexation moratorium. York County is requesting that these kinds of annexations not proceed under the current moratorium. If the legislation passes, the County may want to contact a few other localities about doing something that is more comprehensive.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. SE-8-01, BETHEL BAPTIST CHURCH

Mr. Tim Cross, Acting Chief Planner, made a presentation on Application No. SE-8-01 requesting a special exception to the height limitations for a worship center with cupola for Bethel Baptist Church.

Mr. Bill Monroe, representing Bethel Baptist Church, spoke of the plans for an enlarged worship center for the church. He stated when the current Zoning Ordinance was drafted, it was

not anticipated that there would be a need for such a facility. To physically house the area required for 1,000 people requires height, acoustics, and visual aids; the depth must also be fairly thick. Mr. Monroe indicated the church was asking for an exception to the height limitation for the cupola.

Chairman Burgett called to order a public hearing on Application No. SE-8-01 which was duly advertised as required by law. Proposed Resolution R01-16 is entitled:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS FOR A WORSHIP CENTER WITH CUPOLA FOR BETHEL BAPTIST CHURCH

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R01-16 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS FOR A WORSHIP CENTER WITH CUPOLA FOR BETHEL BAPTIST CHURCH

WHEREAS, Bethel Baptist Church has submitted a request for a special exception to the height limitations in the Rural Residential zoning district, pursuant to the terms of Section 24.1-231(b) of the York County Zoning Ordinance to authorize a church worship center with cupola at 1004 Yorktown Road (Route 706); and

WHEREAS, the Board has carefully considered the public comments and the staff recommendations with respect to this application; and

WHEREAS, the Board has conducted a duly advertised public hearing in accordance with applicable procedure;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that Application No. SE-8-01 be, and it is hereby, approved to authorize a church worship center with cupola at 1004 Yorktown Road (Route 706), subject to the following conditions:

1. This special exception shall authorize the establishment of a worship center with cupola for a total structure height of 84'6". The property is located at 1004 Yorktown Road (Route 706) and is further identified as Assessor's Parcel Nos. 30-187 and 30-188.
2. The worship center with cupola shall be constructed in general conformance with both the plan entitled "Design Development Site Plan" received by the Planning Division on January 17, 2001, and the plan entitled "Building Elevations Bethel Baptist Worship Center" dated September 12, 2000. These plans are included as part of this file application.
3. No structure on the site shall have a total height greater than 84'6".

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

PUBLIC FORUM**PROPOSED FISCAL YEAR 2002 BUDGET**

Mr. McReynolds provided the Board members with an update on the current outlook for the FY2002 budget in terms of revenue and expenditures. Overall, the County expects a \$3.5 to \$3.6 million revenue increase over the FY2001 budget. On the revenue side, the major issues include school funding, employee compensation, the Regional Jail, new programs/personnel, and committed funds or mandates. Mr. McReynolds reviewed the work session and public hearing dates for the proposed budget and provided the citizens with telephone, mail, and email information for contacting the Board regarding the budget process.

Chairman Burgett called to order a public forum on the proposed FY2002 Budget.

The Honorable Merlin Renne, Judge of the General District Court, appeared on behalf of the Colonial Community Criminal Justice Board to ask for the Board of Supervisors' consideration and approval of the Criminal Justice Board's budget request of \$19,812 to continue funding the Criminal Justice Planner position. He indicated the problems that are faced by the Criminal Justice Board need to be dealt with in an efficient manner, and the Planner position provides the staff support to carry out the Board's legislative mission. He stated attempts have been made to procure more funding from the General Assembly this year, but the bill was passed by in subcommittee.

Mrs. Corinne Garland, Executive Director, Child Development Resources, Inc., (CDR), spoke of the importance of the brain development of a child in the first three years of life, and stated that CDR wants to make sure that all children reach their developmental potential. Mrs. Garland thanked the Board for its past support and requested that the Board fund the budget request for FY2002.

Ms. Nadja Pophal, Executive Director, Housing Partnerships, thanked the Board for its past support. She stated about 70 homes had repairs completed in York County, Williamsburg, and James City County; 11 of the repairs were made in York County. She explained how the money provided by the localities is leveraged in order to get more for a project. Housing Partnerships works closely with the York County Housing staff to come up with some creative alternatives for York County residents to make the money go as far as it can. Ms. Pophal asked the Board to give positive consideration to Housing Partnership's FY2002 funding request.

Mrs. Clyde Jackson, representing the Senior Center Board of York, stated the three-way partnership of the Senior Center Board, the Peninsula Agency on Aging, and the volunteers who give their time to the Senior Center is an excellent example of what can be done when a problem is faced. The Center celebrated its 9th Anniversary this past year and was host to 15,000 patrons in 2000. She spoke of the programs offered at the Center, stating that for many of the patrons it was a second home. A new, larger facility is being provided for 2001, and Mrs. Jackson thanked the Board and staff members for its continued support and faith in the Center's goals.

Mr. Bill Massey, Executive Director, Peninsula Agency on Aging (PAA), also thanked the Board of Supervisors for its past support and requested the Board's continued support for FY2002. He

agreed with Mrs. Jackson that they have a great partnership, and the County was getting a good return for the dollars invested in the PAA.

Mrs. Sheila Myers, representing the York County Arts Commission, explained that the Arts Commission serves as an advisory body to the Board of Supervisors making recommendations as to budget appropriations to the arts in York County. She noted that last year the Commission had 28 requests for funding totaling \$88,000. Mrs. Myers stated there was a very valuable economic asset provided to a locality by the arts in terms of increased sales tax revenues and increased employment, and she asked the Board to continue its arts funding.

Mrs. Janice Farley, representing the York County Library Board of Trustees, asked the Board to support the library system with the same funding amount as in FY2001. She stated the Trustees are very proud of the new Tabb facility and the renovations that have been made to the Yorktown branch. She asked that the Board members contact their legislative delegates in Richmond to request funding for books. Mrs. Farley invited the Board members to the grand reopening of the Yorktown Library on February 11 at 2:00 p.m..

Ms. Mavis Dixon, representing the Peninsula Marine Institute, explained that the Institute was a state school that services juvenile offenders from the ages of 14 to 18 as an alternative to incarceration. She requested that the Board provide funding in its FY2002 budget to help the Institute with transportation costs. Ms. Dixon stated the Institute was a "Kids First" program to show them there is a better way of life in making an honest living.

There being no one else present who wished to speak, Chairman Burgett closed the public forum.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds noted that staff has asked representatives from VDOT to appear at a Board meeting to discuss plans for the improvement of the lower portion of Route 17. He indicated there had been mention of the procurement of bids over the Internet, and he stated that the County has been doing this for some time now to the limit set by law. The law still requires the receipt of a signed bid. Mr. McReynolds then noted that one of the Board's goal statements specifies that the Board will review its goals and objectives on a periodic basis. He indicated that the staff will be sending something out this week with some dates for a goals session and requesting the Board's input as to the scope of the meeting.

YORK COUNTY SCHOOL BOARD—FY2002 BUDGET PROCESS (Not on Agenda)

Mr. Page Minter, Chairman of the York County School Board, made a brief presentation regarding the School Board's plan to use a modified zero-based budget process this year. He spoke of the efforts to publicize the budget-building process and the expected increase in revenues and service cost increases. He suggested that the Board of Supervisors meet in a joint session with the School Board on either February 12 or February 21, stating the School Board feels it is important to maintain regular communications during the budget process.

Chairman Burgett stated the Board would review the suggested dates and get back with the School Board.

A brief discussion ensued concerning the rise in utility costs for the schools.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba spoke concerning the proposed sale of the BP Amoco refinery in Yorktown, stating the Board and staff need to give some thought to the disposition of the 900 acres outside of the acreage on which the plant sits.

Mr. James Noel, Director of Economic Development, indicated he had some discussion with the plant management who indicated there would be two separate sales: the refinery property and the large tract bounded by Seaford/Goodwin Neck/Back Creek Roads. The sale is being evaluated at this time. There is a good deal of wetlands on the large tract, and it has been maintained as a wildlife refuge.

Mr. Zaremba stated the zoning for the property is industrial which is contrary to an environmental-friendly outcome. He expressed his concern for how the property might be developed, and he suggested the Board become involved in the dialog so that the outcome is consistent with what York County wants to see done with those 900 acres. Mr. Zaremba then spoke concerning the Aviation Fair 2003, stating the Peninsula will be hosting a large event commemorating the development of aviation in the country. He stated there will be significant impacts in terms of tourism to the area, and there will be a major impact on the Newport News/Williamsburg Airport. The proposed expansion of the runway is located in York County, and Mr. Zaremba expressed his concern that the Board does not receive regular updates on the airport's progress. He asked that a staff member be assigned to provide the Board with updated information.

Mr. McReynolds stated he spoke with the director of the Airport Commission at a function this past week, and he has indicated a desire to come before the Board to apprise the members of their plans on this important project.

Mrs. Noll indicated she also talked to the gentleman in charge of the Aviation Fair 2003 office who is also interested in coming before the Board.

Mr. Zaremba then welcomed Mr. Ashe to the Board, and noted he would be the new Board liaison to the Regional Issues Committee. He stated although they have a great structure and process, the committee has accomplished nothing for the last five or six years. He stated there were many issues that needed to be addressed, and the Board of Supervisors will do everything it can to help the committee get something done this year.

Mr. Wiggins also welcomed Mr. Ashe to the Board. He then reminded the Board and audience that the Drainage Committee would be making its report to the Board at the February 20 Regular Meeting. He stated he felt the Board will be impressed with what the committee has accomplished.

Mrs. Noll indicated she had contacted some citizens concerning the BP Amoco property, and stated she did not want to see that property developed. She noted she asked that the property be looked at in terms of conservation, perhaps by the Williamsburg Conservancy. Mrs. Noll also reminded everyone that February was Black History Month, and she encouraged citizens to visit the library for information materials on the history of African-American people in the United States.

Mr. Ashe thanked the Board members for having faith in him and appointing him to the District 5 seat. He stated there is a lot to be done and a lot to be learned, and he looked forward to serving on the Regional Issues Committee because of the statewide study he was currently working on regarding housing. Mr. Ashe stated he looked forward to serving the citizens of District 5.

Chairman Burgett noted he had attended his first meetings of the Peninsula Mayors and Chairs and the Hampton Roads Mayors and Chairs, stating the groups have some good projects going, and York County was playing an active part. He stated he had served on the Regional Issues Committee, and during his term things were accomplished. The committee is taking up the issue of affordable housing, and Mr. Ashe should be able to provide insight because of the state committee he serves on. Chairman Burgett then spoke regarding the newly renovated Yorktown Library, and he encouraged the citizens to visit it. He also noted that the Board has begun its search for a new County Administrator, and the search is initially being done within the state with a national search being considered.

UNFINISHED BUSINESS

VACUUM SEWER EXTENSION—KUBIE KAT COVE SUBDIVISION

Mr. McReynolds made a brief presentation on the request to extend the County's vacuum sewer collection system to the Kubie Kat Cove Subdivision, noting the request was previously tabled in order for staff to determine the exact size of the parcel. He stated it was determined that the parcel does meet the requirements for the vacuum extension.

A brief discussion took place regarding previous violations regarding the property.

Mr. Wiggins then moved the adoption of proposed Resolution R01-15 that reads:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S
VACUUM SEWER COLLECTION SYSTEM TO A PROPOSED SUBDI-
VISION OF PROPERTY ON CALTHROP NECK ROAD, AND AUTHOR-
IZING THE COUNTY ADMINISTRATOR TO EXECUTE THE NECES-
SARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Ronald J. Kubesh has requested that the County allow the extension of the vacuum sewer collection system to support a proposed Subdivision on Assessor's Parcel No. 30-251; and

WHEREAS, the proposed cluster subdivision will create eight lots from the existing 10.08 acre parcel; and

WHEREAS, upon approval of the subdivision's development plan, the developer will have to enter into a public sewer extension agreement pursuant to §18.1-53(b) of the York County Code to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's vacuum sewer collection system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

February 6, 2001

WHEREAS, the Board has determined that the proposed development will not have any detrimental effect on the environment that would not otherwise occur; and

WHEREAS, the developer will pay to the County the applicable inspection and connection fees in accordance with the terms of Chapter 18.1 of the York County Code and the Sanitary Sewer Standards and Specifications; and

WHEREAS, prior to any further engineering or development of these plans, it is necessary that a determination be made as to whether the Board will authorize the extension of the vacuum sewer collection system to serve the proposed development;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that the Board approves the extension of the County's vacuum sewer collection system to serve the proposed subdivision, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the developer for the proposed extension; such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

CONSENT CALENDAR

Mr. Zaremba asked that Item No. 9 be removed from the Consent Calendar.

Mr. Wiggins asked that Item No. 10 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3, 4, 5, 6, 7, and 8, respectively.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

January 4, 2001, Regular Meeting
January 16, 2001, Regular Meeting

Item No. 4. PURCHASE AUTHORIZATION: Resolution R01-3

A RESOLUTION TO AUTHORIZE PURCHASE OF ARCHITECTURAL
AND ENGINEERING SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Architectural and Engineering Services	\$50,000

Item No. 5. STREET NAME CHANGE: Resolution R01-5

A RESOLUTION TO APPROVE A REQUEST TO CHANGE THE NAME
OF A PORTION OF DREW ROAD, A STUB STREET IN THE WIL-
LIAMSBURG BLUFFS SUBDIVISION, TO BRONZE COURT

WHEREAS, Robert L. Freeman, Jr., and on behalf of Tower Park Corporation, has petitioned the County of York to change the name of the portion of Drew Road located in the Williamsburg Bluffs Subdivision to Bronze Court; and

WHEREAS, Drew Road was initially approved and recorded January 31, 1992 as a stub street in the above mentioned subdivision; and

WHEREAS, the only access to Drew Road in the Williamsburg Bluffs Subdivision is from Parchment Boulevard; and

WHEREAS, the original plan for Drew Road was to continue from the Williamsburg Bluffs Subdivision into the Carver Gardens Subdivision; and

WHEREAS, Ordinance No. 099-8 approved on May 5, 1999 eliminated the extension of Drew Road from the Williamsburg Bluffs Subdivision and called for it to end in a cul-de-sac; and

WHEREAS, Section 20.5-79 of the Subdivision Ordinance states that names of recorded streets shall not be changed except by resolution of the Board; and

WHEREAS, the proposed street name has been determined to be acceptable relative to applicable provisions of the York County Subdivision Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors the 6th day of February, 2001, that it does hereby approve a request to change the name of the portion of Drew Road in the Williamsburg Bluffs Subdivision to Bronze Court.

BE IT FURTHER RESOLVED that the County Administrator be and is hereby authorized to transmit said approval to all property owners on the portion of Drew Road in the Williamsburg Bluffs Subdivision and to various County departments, the postmaster, public utilities, public service organizations, and private companies that may have an interest in this change.

Item No. 6. EMPLOYEE OF THE QUARTER: Resolution R01-13

A RESOLUTION TO COMMEND SHIRLEY W. HIXSON, LEGAL ASSISTANT, OFFICE OF THE COUNTY ATTORNEY, AS EMPLOYEE-OF-THE-QUARTER

WHEREAS, Shirley W. Hixson has been employed with the Office of the County Attorney for four years and currently serves as a Legal Assistant; and

WHEREAS, during the last half of the year 2000 the County Attorney's Office experienced a period of growth that caused an increase in workload; and

WHEREAS, Shirley's hard work and organizational skills kept the office running smoothly during an extremely busy time in the midst of staff shortages and multiple priorities; and

WHEREAS, her efforts reflect the highest levels of professionalism and service to the community and the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that Shirley W. Hixson, Legal Assistant, be and is hereby, congratulated upon her selection as Employee-of-the-Quarter for the quarter ended September 30, 2000.

Item No. 7. SPEED LIMIT PROVISIONS—TIDE MILL ROAD: Resolution R01-7

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS, AS STIPULATED IN SECTION 46.2-878.2 OF THE CODE OF VIRGINIA, TO ESTABLISH INCREASED PENALTIES FOR SPEEDING ON TIDE MILL ROAD

WHEREAS, Section 46.2-878.2 of the Code of Virginia authorizes the posting of certain residential streets for an increased fine of \$200, in addition to other penalties prescribed by law, for vehicles exceeding the maximum established speed limit; and

WHEREAS, the Virginia Department of Transportation (VDOT) is responsible for administering the regulations established to implement this law and will entertain requests for establishing the restrictions upon receipt of a formal request and resolution from the Board of Supervisors; and

WHEREAS, the residents of Tide Mill Road, Jean Place, Ryans Way, and Moores Creek Drive have requested that said restrictions be imposed on Tide Mill Road; and

WHEREAS, the York County Board of Supervisors perceives that a speeding problem exists based on enforcement records reported by the York County Sheriff's office and community support; and

WHEREAS, the Board of Supervisors has reviewed this request and believes that the designated roads meet the eligibility requirements prescribed by VDOT;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of February, 2001, that the Virginia Department of Transportation be, and it is hereby, requested to approve and install signs pursuant to Section 46.2-878.2 of the Code of Virginia, to designate Tide Mill Road as a street on which a fine of \$200 in addition to other penalties prescribed by law may be imposed for violations of the posted speed limit.

BE IT FURTHER RESOLVED that the County Administrator is requested to forward a copy of this resolution and any necessary supporting documentation to the Virginia Department of Transportation for its review and approval.

Item No. 8. YEAR OF THE YOUNG CHILD: Resolution R01-19

A RESOLUTION TO RECOGNIZE THE YEAR OF THE YOUNG CHILD

WHEREAS, research confirms that experiences from birth through the preschool years establish the foundation for building individual capacity and an individual's economic and social prosperity; and

WHEREAS, across the nation and in Hampton Roads, more children are entering kindergarten and first grade without the foundation that is critical to their success in school and life; and

WHEREAS, the future of our community depends on the quality of early childhood experiences provided to young children today; and

WHEREAS, the York County Board of Supervisors has long recognized the importance of early childhood developmental initiatives and has a strong history of commitment to and financial support for those programs; and

WHEREAS, high quality early childhood services represent a worthy commitment to our children's future and is imperative if our democracy is to remain viable and if our economy is to remain productive and competitive;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that it does officially proclaim the year 2001 as the Year of the Young Child.

Item No. 9. RESTRUCTURING OF VIRGINIA'S MENTAL HEALTH SYSTEM: Proposed Resolution R01-20 (Removed from Consent Calendar)

Mr. Zaremba asked Mrs. Smith to give a summary of the intent of the proposed resolution.

Mrs. Anne B. Smith, Director of Community Services, explained that the County has the position that the state should continue to operate the program for the care of the mentally ill. The state is proposing that all state residential facilities be down-sized or closed altogether over a six-year period with the exception of the Central State forensic unit. The future care of Virginia's mentally ill is of great concern for local governments. The proposal is that the residents of the current state facilities would go into paying facilities in the communities, and local government staffs do not believe there is adequate capacity within the communities to

February 6, 2001

provide the necessary care for these individuals. It will result in inconsistent standards and inconsistent funding. Mrs. Smith stated these individuals in York County would be funneled through the Colonial Services Board which is already underfunded. She also spoke of the impact on housing, employment, and health care and social services. There is a shortage of direct care staff in most nursing homes in Virginia just for regular care of the aged; it would be all but impossible for them to provide adequate care for the mentally ill.

Mr. Zaremba then moved the adoption of proposed Resolution R01-20 that reads:

A RESOLUTION TO EXPRESS THE CONCERNS OF THE YORK COUNTY BOARD OF SUPERVISORS REGARDING THE PROPOSED RESTRUCTURING OF VIRGINIA'S MENTAL HEALTH CARE PROGRAMS AND FACILITIES.

WHEREAS, the Board of Supervisors has a long standing commitment to assisting County citizens in need of services and a concern for the well-being of those in need of mental health treatment and residential care; and

WHEREAS, the Comprehensive Plan for the Restructuring of Virginia's Mental Health Care Programs and Facilities (the Plan) proposes to close or significantly reduce the size of the Commonwealth's residential care facilities for the mentally ill, raising serious questions of funding and future access to care for the citizens of York County and other localities in the Commonwealth; and

WHEREAS, the Plan calls for closing Eastern State Hospital, a vital resource to the County of York, the Hampton Roads region and the State of Virginia and the citizens receiving services therein; and

WHEREAS, the Plan does not adequately address fiscal concerns, service capacity questions or future access with regard to mental health care programs; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that it is the desire of the Board to express serious concerns regarding the Commonwealth of Virginia's plan for restructuring Virginia's mental health care programs and facilities and to urge the General Assembly to reject the plan as presented.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett

Nay: (0)

Item No. 10. APPLICATION FOR NO WAKE BUOYS: Proposed Resolution R01-4 (Removed from Consent Calendar)

Mr. Wiggins indicated the views of the people heard tonight on the no wake application was only a sampling of the phone calls he received today. He stated everyone he talked to was opposed to the placement of the buoys. He suggested that the Board table this item and give the Board the opportunity to visit the marina to see what it is the residents are talking about.

Mr. Ashe noted he had visited in his boat, and he understood the concerns of Mr. Vaughn, but he did feel that Mr. Vaughn needed to look into putting some kind of barrier up for the marina.

He stated he would also like to see the citizens and the owner come together to work out a compromise. Mr. Ashe commended Mr. Vaughn for the clean-up job he has accomplished at the marina.

Chairman Burgett agreed with Mr. Ashe that a compromise would be the best solution to this situation.

Mr. Zaremba moved that proposed Resolution R01-4 be tabled.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Wiggins, Ashe, Burgett
Nay:	(0)	

NEW BUSINESS

AGREEMENTS FOR CURBSIDE AND DROP-OFF RECYCLING PROGRAMS

Mr. McReynolds made a brief presentation on proposed Resolution R01-10 to authorize the execution of two agreements with the Virginia Peninsulas Public Service Authority (VPPSA) for the County's curbside and drop-off recycling programs.

Mr. Wiggins questioned the 25 percent increase in the cost of the program over the past four years.

Mr. John Hudgins, Director of Environmental and Development Services, stated the increases have been a result of the number of housing units coming on line in the County.

Mrs. Noll asked how Hampton's opting out of the agreement will affect the cost for everyone else.

Mr. Hudgins indicated that under the VPPSA proposal, the cost was \$1.58; with Hampton out the cost goes up to \$1.69 per house.

Mrs. Noll asked what Hampton planned to do.

Mr. Hudgins explained that Hampton will do its own garbage collection. He stated that Hampton anticipates a sizable amount of savings using its own equipment and personnel to accomplish its recycling.

Mr. Zaremba asked who, if anyone, was making money from the recycling process since it cost the County to recycle.

Mr. Hudgins stated the contractors make money. It is a matter of market economics; everybody is recycling, and the more that is recycled, the more supply there is, and the prices drop. He stated it costs York County \$107 a ton to recycle, but the state mandates that the localities recycle at 25 percent. Currently, York County recycles 28 percent of its solid waste stream.

Mrs. Noll then moved the adoption of proposed Resolution R01-10 that reads:

February 6, 2001

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE TWO AGREEMENTS WITH VIRGINIA PENINSULAS
PUBLIC SERVICE AUTHORITY FOR CURBSIDE AND DROP-OFF
RECYCLING PROGRAMS

WHEREAS, York County is a member of the Virginia Peninsulas Public Service Authority (VPPSA), having joined the Authority for the purpose of dealing with solid waste issues on a regional basis; and

WHEREAS, the Commonwealth of Virginia has mandated that local governments have in place a plan to annually recycle at least 25% of the waste stream; and

WHEREAS, VPPSA's current curbside recycling contract expires October 31, 2001; and

WHEREAS, VPPSA issued a request for proposal and received proposals for a new contract for the curbside collection and the processing and marketing of recyclables on behalf of its member jurisdictions; and

WHEREAS, VPPSA has submitted to this Board two proposed agreements for curbside and drop-off recycling in York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that the County Administrator be, and he hereby is, authorized to execute two agreements, approved as to form by the County Attorney, with the Virginia Peninsulas Public Service Authority to continue the curbside and drop-off recycling program in York County.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

SPONSORSHIP OF APPLICATION TO AMEND THE YORK COUNTY ZONING ORDINANCE—MARINAS

Mr. McReynolds made a brief presentation concerning the issue that was brought to the Board's attention at a recent meeting concerning the allowance of eating establishments at marinas. He noted that staff had prepared proposed Resolution R01-29 for the Board's consideration in sponsoring an amendment to the Zoning Ordinance to address the issue.

Chairman Burgett stated the proposed application would be to fill in a blank that exists in the current Zoning Ordinance. The County has no definition of what constitutes an "eating facility." This application to the Planning Commission asks the Commission to examine the issue and come up with a definition and direction as to how the County will handle requests for such at County marinas.

Mrs. Noll expressed her concern that the application was a result of an on-going issue. She stated she felt the Board shouldn't address the situation piecemeal, and she would like to take a much broader look at the entire Zoning Ordinance and receive citizen input. Mrs. Noll stated she could not support the application.

Mr. Ashe stated people had mentioned to him on several occasions a concern regarding the bright lighting on the waterfront, noting the HPS lights carry far across the water and are intrusive. He suggested added wording to the application concerning these lights.

Chairman Burgett explained that the current review of the Zoning Ordinance by staff includes a proposed amendment to the section on lighting. This request only addresses the definition of "eating facilities."

Mr. Wiggins stated the Dare Marina is not the only marina contemplating an eating facility. He stated he felt it was only fair to all the marinas for the Board to spell out exactly what is meant by an "eating establishment" before they make further plans and find out they cannot do what they wish to do.

Mr. Zaremba indicated the Board was not voting at this time on any change to the current Zoning Ordinance. The Board was making application to the Planning Commission for a recommendation on an amendment. When a recommendation was returned to the Board for action, there would be opportunity for public debate. The staff and Board agree there is ambiguity in the ordinance as it pertains to the eating facility issue. The Board is only trying to clarify language in the ordinance. With respect to the on-going review of the Zoning Ordinance, Mr. Zaremba stated it will be on-going for several more months. He stated he felt it was reasonable that the Board, in response to the people who elected them, would jump on a problem that exists and attempt to resolve it.

Mr. Wiggins moved the adoption of proposed Resolution R01-29 that reads:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND THE
YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1 - YORK
COUNTY CODE) TO REVISE THE DEFINITION OF THE TERM "MA-
RINA" AND TO ESTABLISH CERTAIN PERFORMANCE STANDARDS
FOR "EATING FACILITIES" ASSOCIATED WITH MARINAS

WHEREAS, it has come to the attention of the York County Board of Supervisors that the definition of the term "marina" is not clear as to the permissible characteristics of "eating facilities" that may be included in the marina operation; and

WHEREAS, the ambiguities in the current definition and the absence of any specific performance standards concerning "eating facilities" create difficulties in the administration of the Zoning Ordinance and the potential for incompatibilities between marinas with eating facilities and their adjacent land uses; and

WHEREAS, in the interest of good zoning practice, the Board wishes to consider amendments to the definition and the addition of appropriate performance standards;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 6th day of February, 2001, that it does hereby sponsor an application to amend Sections 24.1-104, Definitions, and Section 24.1-462, Standards or marina, dock or boating facility (commercial), of chapter 24.1 - Zoning - of the York County Code to revise the definition of marina and the requirements applicable to marinas with eating facilities.

BE IT FURTHER RESOLVED that said application be, and it is hereby, referred to the York County Planning Commission for review and recommendation of the following proposed amendments in accordance with the applicable procedures.

Section 24.1-104 Definitions

Marina. A facility designed for dockage, storing, servicing, berthing, fueling, repairing or securing of primarily pleasure boats and which may include accessory and incidental eating and retail facilities in accordance with the performance standards established in this chapter.

- Wet Slip. A marina where boats are docked and secured in the water. Covered or uncovered slips may be provided.
- Dry Storage. A marina where boats are stored on land, either indoors or out, which may include provisions for transfer to and from the water by mechanical means upon request.

Section 24.1-462. Standards, for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas of Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- (d) Accessory and incidental "eating facilities" associated with marinas shall be subject to the following requirements:
 - (1) A marina may provide and include an eating facility with a maximum seating capacity of 12 persons, subject to compliance with all applicable site plan requirements. A Special Use Permit shall be required for any eating facility having a capacity in excess of 12 seats.

Unless otherwise approved by the Board of Supervisors at the time of use permit approval, the maximum number of seats in the eating facility shall not exceed 50% of the number of wet slips in the marina (i.e., a maximum of one (1) seat for every two (2) slips). The Board may, however, establish a seating limitation of less than this ratio if deemed necessary to prevent adverse impacts on the surrounding area or road systems.

- (2) The eating facility shall be designed and operated to serve primarily the patrons of the marina. For the purposes of this section, marina patrons shall be those people whose boats are docked or stored at the marina, either on a long-term or transient basis, or those people whose boats are being serviced or repaired at the marina, and the accompanying guests of the patrons, as defined.

- (3) The hours of operation for the eating facility shall be limited to those hours when the marina is in full operation. Full operation shall be defined as those times when all marina docking and storage services and facilities are available and operational and the appropriate marina staff is on duty.
- (4) The eating facility shall not include a dance floor nor shall live musical performances be allowed in the facility.
- (5) The eating facility shall not be identified separately from the marina in any signage, advertising or publicity.
- (6) The eating facility shall not be made available for meetings, receptions or other functions not associated with the marina operation. This limitation shall specifically preclude the reservation or rental of the facility for receptions or parties open to the general public.
- (7) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application and shall be subject to the approval by the Zoning Administrator or the Board of Supervisors as to compatibility with surrounding land uses. Any outdoor speaker systems associated with the eating facility shall be designed and operated so as to not be audible on any adjacent properties. All outdoor seating shall be counted toward the maximum seating ratio established above.

On roll call the vote was:

Yea: (4) Wiggins, Ashe, Zaremba, Burgett
 Nay: (1) Noll

CLOSED MEETING. At 9:48 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.1-344(a)(7) pertaining to a matter involving actual litigation and consultation with legal counsel.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
 Nay: (0)

Meeting Reconvened. At 10:08 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
 OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

February 6, 2001

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of February, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY TRANSPORTATION SAFETY COMMISSION

Mrs. Noll moved the adoption of proposed Resolution R01-11 that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK COUNTY TRANSPORTATION SAFETY COMMISSION

WHEREAS, Spindler Krause, Jr. and Leo S. Roach completed their respective terms on the York County Transportation Safety Commission on December 31, 2000; and

WHEREAS, Mr. Krause wishes to be considered for reappointment and Mr. Roach does not wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of February, 2001, that the following individuals be, and they are hereby, appointed to serve on the York County Transportation Safety Commission for terms to begin on January 1, 2001 and expire December 31, 2003:

Spindler Krause, Jr.

J. Michael Reames

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPOINTMENT OF A YORK COUNTY REPRESENTATIVE TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Burgett moved the adoption of proposed Resolution R01-28 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE
TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

BE IT RESOLVED by the York County Board of Supervisors this 6th day of February, 2001, that Donald E. Wiggins be, and he is hereby, appointed as a York County representative to the Colonial Community Criminal Justice Board for a term to begin immediately and expire December 31, 2003.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned. At 10:15 p.m. Chairman Burgett declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors